



3-30-04

Practitioner's Docket No.: 782\_231

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Yasuharu SHIRAI and Hideki ARAKI

Ser. No.: 10/606,485

Art Unit: 2881

Filed: June 26, 2003

Examiner: James J. Leybourne

Confirmation No.: 5643

For: MATERIAL DEFECT EVALUATION APPARATUS USING POSITRON AND ITS  
EVALUATION METHOD

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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*Elizabeth A. VanAntwerp*  
Elizabeth A. VanAntwerp

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(c)**

**TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:
  - (1) a final action under §1.113,
  - (2) a notice of allowance under §1.311 or
  - (3) an Office Action that closes prosecution.

**STATEMENT OR SUBMISSION FEE**

2. Accompanying this transmittal is

A. ☒ a statement as specified in 37 CFR §1.97(e).

**OR**

B. ☐ the submission fee set forth in 37 CFR §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).

Fee due: \$ 00.00



- 2 -

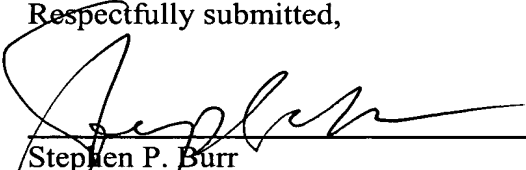
### METHOD OF PAYMENT OF FEE

3. ☐ Attached is a check in the amount of \$\_\_\_\_\_.
- ☐ Charge Account No. 50-1446 in the amount of \$\_\_\_\_\_. A duplicate of this request is attached.
4. ☒ If any additional fees are due, please charge Deposit Account 50-1446.

Respectfully submitted,

March 29, 2004

Date

  
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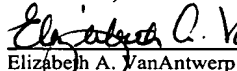
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Elizabeth A. VanAntwerp

**CERTIFICATION UNDER 37 CFR §1.97(e)**

Sir:

☒ Each item of information contained in the Information Disclosure Statement filed herewith was *first* cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

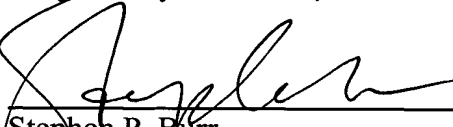
OR

☐ No item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

March 29, 2004

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*Elizabeth A. VanAntwerp*  
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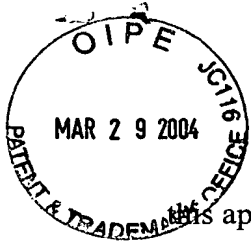
**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. Copies of each of the references listed on Form PTO-1449 are attached.

Also enclosed is a copy of a European Search Report bearing a mailing date of March 10, 2004 from a corresponding European patent application, and the U.S. PTO is directed thereto for a concise statement of possible relevance of the references cited therein.

The above information is presented so that the Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. It is respectfully requested that the information be expressly considered during the prosecution of



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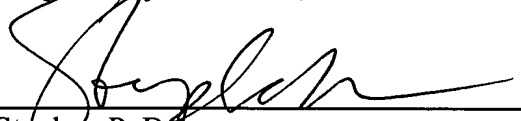
is application, and that these references be made of record therein and appear among the  
"References Cited" on any patent to issue therefrom.

The Commissioner is hereby authorized to charge any additional fees associated with  
this communication or credit any overpayment to Deposit Account No. 50-1446.

March 29, 2004

Date

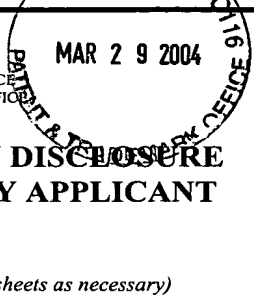
Respectfully submitted,

  
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Form PTO-1449 US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>						<b>Complete if Known</b>	
		<b>Application Number</b>		10/606,485			
		<b>Filing Date</b>		June 26, 2003			
		<b>First Named Inventor</b>		Yasuharu SHIRAI			
		<b>Art Unit</b>		2881			
		<b>Examiner Name</b>		James J. Leybourne			
		<b>Confirmation No.</b>		5643			
<b>Sheet</b>		1	<b>of</b>	1	<b>Attorney Docket No.</b>	782_231	

### U.S. PATENT DOCUMENTS

Exam. Initial		Document Number	Date	Name	Our Docket No.	Class	Sub Class	Filing Date
	AA	2002/0030160 A1	03-14-2002	Greaves, Roderick G.				

### U.S. COPENDING APPLICATIONS

Exam. Initial		Application/ Publication Number	Filing/ Publication Date	Inventor Name	Our Docket No.	Class	Sub Class

### FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	Translation	Abstract
	AB	2001-116706 A1	04-27-2001	JP			JPO Machine Translation	✓
	AC	05-288694 A1	11-02-1993	JP			JPO Machine Translation	✓

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages etc.)

	AD	Barbieri, et. al., "Nondestructive Positron-Lifetime Measurements During Fatigue of Austenitic Stainless Steel Using a Mobile Positron Beam," Applied Physics Letters, American Institute of Physics., NY, Vol. 77, No. 12, 18 September 2000, pages 1911-1913, XP000964231.

<b>Examiner:</b>	<b>Date Considered:</b>
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.